

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YVETTE RIVERA,	:	CIVIL ACTION
Plaintiff,	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
MICHAEL ASTRUE, Commissioner	:	
of Social Security Administration,	:	
Defendant.	:	NO. 09-2080

ORDER

AND NOW, this 8th day of March, 2010, upon consideration of Plaintiff's Request for Review (Doc. No. 9), Defendant's Response (Doc. No. 10), and Plaintiff's Reply (Doc. No. 12), and after careful review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart (Doc. No. 13), and Plaintiff's objections thereto (Doc. No. 14), it is ORDERED that:

1. The Report and Recommendation (Doc. No. 13) is APPROVED AND ADOPTED;¹

¹ In her Request for Review, Ms. Rivera argues that the Administrative Law Judge ("ALJ") erred in improperly weighing the testimony regarding her medical conditions. Specifically, Ms. Rivera argues that the ALJ should not have credited the testimony of a medical expert that Ms. Rivera could engage in a limited range of work over the testimony of the mental health professionals that treated Ms. Rivera to the contrary. In his Report and Recommendation ("R&R"), Magistrate Judge Jacob P. Hart concluded that the ALJ was not obligated to adopt the recommendations of the mental health professionals that treated Ms. Rivera, as these recommendations were not well-supported and were inconsistent with other substantial evidence in the record. (See R&R at 6, 8.) Therefore, Judge Hart found it impossible to say that the ALJ's decision was not supported by substantial evidence.

Ms. Rivera has filed objections to the Report and Recommendation, which essentially rehash her original arguments. While the testimony of Ms. Rivera's treating physician, Dr.

2. Plaintiff's objections (Doc. No. 14) are OVERRULED; and
3. Plaintiff's Request for Review (Doc. No. 9) is DENIED.
4. The Clerk of Court is instructed to mark this case CLOSED for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

Sholevar, and the consultative examiner, Dr. Wagner, must be given significant weight, their testimony need not be accepted in the face of contrary medical evidence in the record. See Jones v. Sullivan, 954 F.2d 125, 129 (3d Cir. 1991) ("In light of such conflicting and internally contradictory evidence, the ALJ correctly determined that the opinions of Jones's treating physicians were not controlling."); Wanko v. Barnhart, 91 Fed. Appx. 771, 774 (3d. Cir. 2004) ("[T]he ALJ's decision to limit the weight given to [the treating physician's] opinion is supported by substantial evidence."). Because the ALJ's decision is supported by substantial evidence in the record, this Court approves and adopts Judge Hart's Report and Recommendation.